

REMARKS

By this amendment, Applicants have amended claims 1-2, 4, 13-14, 16, 25-26, 28, 39-40 and 42. As a result, claims 1-55 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 1-9, 11-21, 23-33, 35-47, and 49-55 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,848,396 (Gerace) in view of U.S. Patent No. 6,078,916 (Culliss) in view of U.S. Patent No. 6,643,663 (Dabney). Since the combination, if proper, of Gerace, Culliss and Dabney fails to teach or suggest each and every feature of the claimed invention as required by 35 U.S.C. § 103(a), Applicants respectfully request withdrawal of this rejection.

With respect to claims 1, 13, 25 and 39, Applicants again submit that Gerace fails to teach or suggest, *inter alia*, the claimed marketing page element placed anywhere on the web page, said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page. In response to Applicants previous arguments with respect to this claimed feature, the Office states that the arguments "are moot in grounds of the new rejection." However, this is accurate only for a portion of the arguments presented by the Applicants. To this extent, the Office fails to respond to the substance of alternative arguments previously presented by the Applicants. Further, in the

new rejection, the Office cites the same portions of Gerace as allegedly disclosing the same portions of Applicants' claimed invention to which these arguments were directed. To this extent, Applicants respectfully request that the Office consider and respond to the arguments herein presented for the second time.

In particular, Applicants submit that Gerace fails to teach a marketing page element placed on the web page, the marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page. Instead, the Office cites a passage in Gerace that teaches that "web documents may contain graphics, text, sound, video or any combination of these," and that web documents may also include forms that "include blank spaces to be completed by users and then returned to the publishing computer, thus allowing interactivity." Col. 1, lines 30-45. However, this passage in Gerace fails to teach a discrete element of a web page that is placed on a web page for storing data items to be displayed on the web page.

The Office further cites a passage in Gerace that teaches that certain sites offer agate information on the Internet and allow users to look up individual stock quotes. Col. 1, lines 60-67. However, this passage also does not teach a discrete element of a web page that is placed on a web page for storing data items to be displayed on the web page.

The Office still further cites a passage in Gerace that teaches recording the starting date and time and ending date and time of the session, the referring link from which the user accessed the program, the user's identification number (e.g., as stored in a cookie), and an indication of the user's web browser software. Col. 6, lines 45-52. However, this passage in Gerace does not teach that the information is stored in a discrete element of the web page that is placed on the

web page, that the information includes data items to be displayed on the web page, or that the data items have marketing content.

The Office yet still further cites a passage in Gerace that teaches recording advertising information, including number of click throughs purchased, pricing and timing details, in an Ad Package Object. Col. 17, lines 60-67. However, Gerace does not teach that this Ad Package Object is an element of the web site or that the recorded information is to be displayed on the web page.

The Office yet still further cites a passage in Gerace that teaches that the program allows the sponsor to enter new advertising contracts on line and to place the type of ad in front of the subject target market segment. Col. 20, lines 10-20. However, this passage of Gerace does not teach that this entered information is stored on a discrete element of the web site or that it is to be displayed on the web site.

The Office yet still further cites a passage in Gerace that teaches, in response to a request from a user, assembling data from a pertinent agate source, formatting the data into tables, returning it to the server, and displaying appropriate advertisements. Col. 16, lines 45-52. However, this passage in Gerace does not teach that data items to be displayed on the web page are stored in a discrete element of the web page that is placed on the web page, but instead that they are retrieved from an outside source.

The Office yet still further cites a passage in Gerace that teaches displaying a screen view featuring the exchange prices from various global exchanges, enabling a banner to appear at the top of the screen, allowing the user to click on the banner to get more information, and recording

information about the clicking user. Col. 14, lines 25-35. However, this passage in Gerace does not teach that the banner that is for display is stored in a discrete element of the web page.

The Office yet still further cites a passage in Gerace that teaches generating a custom Home Page, displaying agate data, and displaying advertisements stored in an advertisement module. Col. 2, lines 24-30; col. 4, lines 25-30. However, this passage in Gerace does not teach that the advertisements are stored in a discrete element placed on the web page.

In contrast to Gerace in general, and the cited portions of Gerace in particular, the claimed invention includes, for example, "a marketing page element placed anywhere on the web page, said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page." Claim 1. As such, the data items as included in the claimed invention have marketing content and are for displaying on a web page. Furthermore, the data items are stored in a marketing page element that is placed anywhere on the web page. The unique placement of the marketing page element on the web page, among other things, allows for the effective separation of tasks relating to the design of the web page and those relating to the design of a means for implementing a marketing strategy to determine what marketing content should be presented on that web page. This is in sharp contrast with the cited portions of Gerace, in which the various features are not taught to be stored in a discrete element of the web page that is placed on the web page, to include data items to be displayed on the web page, or to have marketing content. Thus, the cited passages in Gerace do not teach a marketing page element as included in the present invention. As a result, Applicants respectfully request withdrawal of the rejection of claims 1, 13, 25 and 39, and each

of the corresponding rejected dependent claims, as allegedly being unpatentable over Gerace in view of Culliss in view of Dabney.

With further respect to claims 1, 13, 25 and 39, Applicants have amended the claimed inventions to expressly state that the data items correspond to a marketed item. A marketed item can comprise, for example, a product or a coupon (see, e.g., page 14, lines 3-4 of the specification). This feature of the claimed invention is clearly not shown or suggested by Gerace. In particular, to the extent, if any, that Gerace discloses marketing content, it is limited to advertising banners. Further, the combination of Gerace with Culliss and/or Dabney, if proper, fails to rectify this deficiency. As a result, Applicants again respectfully request withdrawal of the rejection of claims 1, 13, 25 and 39, and each of the corresponding rejected dependent claims, as allegedly being unpatentable over Gerace in view of Culliss in view of Dabney.

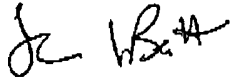
With further respect to claims 1, 13, 25 and 39, Applicants have amended the claimed inventions to expressly state that the data items are selected using a marketing strategy for selecting the marketed item. To this extent, the data items are selected based on a marketing strategy for selecting the corresponding marketed item. This feature is clearly not shown or suggested by Gerace. In particular, to the extent, if any, that Gerace discloses selection of any items, it fails to teach or suggest the selection of a marketed item based on a marketing strategy. Further, the combination of Gerace with Culliss and/or Dabney, if proper, fails to rectify this deficiency. As a result, Applicants again respectfully request withdrawal of the rejection of claims 1, 13, 25 and 39, and each of the corresponding rejected dependent claims, as allegedly being unpatentable over Gerace in view of Culliss in view of Dabney.

Further, the Office rejects claims 10, 22, 34, and 48 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerace in view of Culliss in view of Dabney in view of U.S. Patent No. 6,342,907 (Petty). Applicants note that the Office relies on its interpretation of Gerace in view of Culliss in view of Dabney with respect to the corresponding independent claim for each of these claims. To this extent, Applicants herein incorporate the arguments presented above with respect to claims 1, 13, 25 and 39, and respectfully request withdrawal of the rejection of claims 10, 22, 34, and 48 as allegedly being unpatentable over Gerace in view of Culliss in view of Dabney in view of Petty.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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Dated: June 29, 2005